



Attorney Docket No.1148D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marc Albertsen et al.	1	Art Unit: 1638
Serial No.: 10/021,657	1	
Filed: December 14, 2001	1	Examiner: A. Kubelik
For: Nucleotide Sequences Mediating	1	
Fertility and Method of Using Same	1	Confirmation No. 5787

**CERTIFICATE OF EXPRESS MAILING**

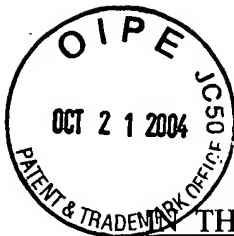
Express Mail Mailing Label Number: ED029356717US

Date of Deposit: OCT 21 2004

I hereby certify that the attached Amendment, section 131 affidavit, Information Disclosure Statement, 1449 form, Deposit Statement, copy of ATCC deposit, and Request for three month extension of time with authorization to charge deposit account are being mailed by being deposited with the United States Postal Service as Post-Office-to-Addressee Express Mail addressed to the Mail Stop Amendment, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria VA, 22313-1450. A duplicate copy of this document is also included.

Patricia A. Sweeney  
Patricia A. Sweeney

OCT 21 2004  
Date



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DEPOSIT STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney, an attorney of record in this application, makes the following statement regarding deposits:

A deposit of 2500 seeds is and has been maintained by Pioneer Hi-Bred International, Inc. since prior to the filing date of this application. Access to the deposit will be available during the tendency of this application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, all restrictions on availability to the public of such material will be removed by affording access to a deposit of the microorganism with the American Type Culture Collection (ATCC) Rockville, MD. Additionally, applicant will meet all the requirements of 37 CFR§1.807, including providing an indication of the viability of the sample when deposit is made. The microorganism deposited with the ATCC will be taken from the same deposit maintained by Pioneer Hi-Bred International since prior to the filing date of this application. The

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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

I hereby certify that this document is being deposited with the United States Postal Service on the date shown below with as Express Mail Post-Office-to-Addressee, Express Mail Number ED029356717US, Mail Stop Amendment. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

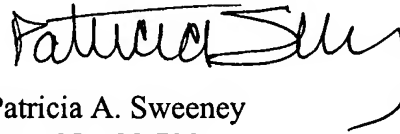
Oct 21 2004

Patricia A. Sweeney  
Patricia A. Sweeney

deposit will be maintained in the ATCC depository, which is a public depository, for a period of 30 years or five years after the most recent request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period.}

All restrictions on availability of the aforementioned deposits will be removed irrevocably upon the granting of a patent on the captioned application or a continuing application based thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia Sweeney", with a stylized flourish at the end.

Patricia A. Sweeney  
Reg. No. 32,733

Patricia A. Sweeney  
1835 Pleasant  
West Des Moines, IA 50265-2334  
(515)222-0921  
(515)267-0556 (Fax)

**ATCC**

OCT 26 1998

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

**Pioneer Hi-Bred International, Inc.  
Attn: Herbert H. Jervis  
7100 N.W. 62nd Ave., Darwin Bldg.  
Johnston, IA 50131**

**Deposited on Behalf of:** Pioneer Hi-Bred International, Inc.

**Identification Reference by Depositor:**

**ATCC Designation**

p Bluescript SK- in SOLR *Escherichia coli*, SB200-8.1  
[REDACTED]

98931  
[REDACTED]

The deposits were accompanied by:     a scientific description X a proposed taxonomic description indicated above. The deposits were received October 16, 1998 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST: X** We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 22, 1998. On that date, the cultures were viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

Barbara M. Hailey 1721  
Barbara M. Hailey, Administrator, Patent Depository

**Date:** October 22, 1998

**BEST AVAILABLE COPY**